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Letter dated 30 January 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Democratic Republic of the Congo submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as the response of the Democratic Republic of the Congo to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Mirjana **Mladineo**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: French]

Letter dated 2 January 2008 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

Further to my letter of 28 March 2005 transmitting the third report of the Democratic Republic of the Congo, I have the honour to transmit to you herewith the fifth report submitted by my Government to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) concerning counter-terrorism (see enclosure).

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

Enclosure

Fifth report submitted by the Democratic Republic of the Congo to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001)

This report follows the fourth report submitted by the Government of the Democratic Republic of the Congo to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.

It is being submitted in response to the request for information made in the letter dated 26 April 2006 from the Security Council Committee.

The questions put in this letter, to which the Government replies in this report, refer to paragraphs 1, 2, 3 and 4 of resolution 1624 (2005) and to other relevant issues, including information on any new developments concerning the implementation of resolution 1373 (2001) which have occurred since the submission of the previous report by the Democratic Republic of the Congo.

Implementation of resolution 1624 (2005)

Paragraph 1

1.1 What measures does the Democratic Republic of the Congo have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Aside from the fact that the Military Penal Code punishes terrorist acts and Law No. 04/016 of 9 July 2004 criminalizes the financing of terrorism and money-laundering, the Democratic Republic of the Congo has embarked on a reform of its criminal law.

The reform seeks to integrate all the essential provisions contained in the 14 relevant conventions into the Penal Code.

For that purpose, a videoconference was organized between experts from the Counter-Terrorism Committee and the National Committee for Coordinating Efforts to Counter International Terrorism of the Democratic Republic of the Congo. During this exchange experts from the Democratic Republic of the Congo welcomed the observations and recommendations made by the Committee experts in this area.

The Governor of the Central Bank of the Democratic Republic of the Congo issued an order on the standards relating to money-laundering and the financing of terrorism applicable to credit and microfinance institutions. The Banque Centrale du Congo (the central bank of the Democratic Republic of the Congo) has organized seminars to raise awareness about the law on money-laundering and the financing of terrorism in five of the 11 provinces (Bas-Congo, Katanga, Kasai Oriental, South Kivu and Kasai Occidental).

The Penal Code of the Democratic Republic of the Congo, section VII, punishes corruption and illicit influence peddling.

The Constitution of the Democratic Republic of the Congo prohibits and penalizes the organization of militias, which is defined as a crime of high treason.

1.2 What measures does the Democratic Republic of the Congo take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

The Democratic Republic of the Congo has promulgated Law No. 021/2002 of 16 October 2002 on the status of refugees, which establishes a National Commission for Refugees responsible for examining requests for asylum on a case-by-case basis in order to ensure that persons prosecuted for serious criminal offences or implicated in terrorist acts cannot insinuate themselves among asylum-seekers.

The Democratic Republic of the Congo has promulgated legislative order No. 83/033 of 12 September 1983 which requires the Congolese authorities to establish a list of undesirable persons so that they may be prevented from gaining access to the country. This law establishes the National Immigration Commission to monitor the regular updating of the list of undesirable persons established by the security services. The legislative order also authorizes immigration officers to turn back any suspect person at the borders of the Democratic Republic of the Congo.

Article 33 of the Constitution of the Democratic Republic of the Congo recognizes the right of any foreign national to seek asylum in its territory but grants it only subject to national security requirements.

Paragraph 2

1.3 How does the Democratic Republic of the Congo cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

The Democratic Republic of the Congo is firmly committed to promoting various forms of international cooperation by means of bilateral and multilateral agreements and support for regional initiatives to protect borders through information exchange with friendly countries. Within that framework, the Democratic Republic of the Congo:

- Participates in the regional counter-terrorism activities of the regional conference of heads of intelligence and security services of Central and East African countries;
- Participates in the activities of the Southern African Development Community and Common Market for Eastern and Southern Africa subcommittees responsible for counter-terrorism, including for the exchange of information, technical assistance and extradition;
- Signed the Tripartite Plus (Democratic Republic of the Congo, Rwanda and Uganda, plus Burundi) agreement on border security in the Great Lakes region;
- Supports the African Centre for the Study and Research on Terrorism (ACSRT), which is headquartered in Algiers within the framework of the African Union;

- Is currently working with States members of the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region on the implementation of a regional programme of action which, inter alia, provides for the joint management of border security, efforts to combat transnational crime and counter-terrorism;
- Participates in the revival of the Economic Community of the Great Lakes Countries;
- Organizes joint patrols with the Republic of the Congo on the Congo River;
- Participates in the running of the intelligence-gathering unit set up in Kisangani by improving terrorist detection techniques and passenger safety procedures.

Paragraph 3

1.4 What international efforts is the Democratic Republic of the Congo participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

The freedom of worship laid down in articles 1 and 22 of the Constitution of the Democratic Republic of the Congo allows people of various religious faiths to live together in peace and harmony.

The Democratic Republic of the Congo, which is a secular State, regularly organizes ecumenical services and permanent dialogue among the various religious communities.

The Democratic Republic of the Congo attended the ACSRT seminar organized in Algiers from 14 to 16 February 2007 on the theme "religious extremism and terrorism".

1.5 What steps is the Democratic Republic of the Congo taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

The Constitution of the Democratic Republic of the Congo criminalizes incitement to ethnic, racial or religious hatred and defines the organization of militias as a crime of high treason. It guarantees freedom of religion and worship under article 22. It protects private property and public buildings under article 34.

The Penal Code and the Code of Military Justice criminalize and punish subversion.

Paragraph 4

1.6 What is the Democratic Republic of the Congo doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

The Democratic Republic of the Congo has not only ratified these instruments but is in the process of reforming its domestic law to incorporate the essential provisions into it.

In accordance with article 215 of the Constitution the treaties ratified by the Democratic Republic of the Congo take precedence over domestic law.